

MITCH Charter School

Table of Contents

Section K/L: School-Community Relations

Parental Rights** .....	<a href="#">KAB</a>
Parental Rights.....	<a href="#">KAB-AR</a>
Public Records Request** .....	<a href="#">KBA</a>
Public Records Request.....	<a href="#">KBA-AR</a>
Public Conduct on School Property .....	<a href="#">KGB</a>
Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems** .....	<a href="#">KGC/GBK</a>
Authorized Use of School Equipment and Materials .....	<a href="#">KGF/EDC</a>
Materials Distribution** .....	<a href="#">KJA</a>
Visitors to School Facilities** .....	<a href="#">KK</a>
Public Complaints** .....	<a href="#">KL</a>
Public Complaints */** .....	<a href="#">KL</a>
Public Complaint Procedure.....	<a href="#">KL-AR(1)</a>
Complaint Form.....	<a href="#">KL-AR(2)</a>
Relations with Law Enforcement Agencies .....	<a href="#">KN</a>
Relations with Law Enforcement Agencies** .....	<a href="#">KN-AR(1)</a>
Investigations Conducted on School Premises.....	<a href="#">KN-AR(2)</a>

The following symbol is used on some policies:

\*\* As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

# MITCH Charter School

Code: KAB

Adopted:

## Parental Rights\*\*

The Board recognizes the importance of promoting parental input in decision making related to their student's health and general well-being, in determining public charter school and student needs for educational services, in program development and public charter school operations. To assist the public charter school in this effort, and in accordance with law, the public charter school affirms the right of parents, upon request, to inspect:

1. A survey created by a third party before the survey is administered or distributed by the public charter school to a student, including any district survey containing "covered survey items"<sup>1</sup>;
2. Any instructional material used by the public charter school as part of the educational curriculum for the student;
3. Any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose.

As provided by law, parents of public charter school students will also, upon request, be permitted to excuse their student from "covered activities"<sup>2</sup>. The rights provided to parents under this policy, transfer to the student when the student turns 18 years of age, or is an emancipated minor under applicable state law.

The public charter school executive director will ensure that activities requiring parental notification are provided as required by law and that reasonable notice of the adoption or continued use of this policy is provided to parents of students enrolled in the public charter school. The input of parents will be encouraged in the development, adoption and any subsequent revision of this policy.

The public charter school executive director shall develop administrative regulations to implement this policy, including provisions as may be necessary to ensure appropriate notification to parents of their rights under federal law and public charter school procedures to request review of covered materials,

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<sup>1</sup> "Covered survey items," under ESSA, includes one or more of the following items: political affiliations or beliefs of the student or the student's family; mental and psychological problems of the student or the student's family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student's parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

<sup>2</sup> "Covered activities," requiring notification, under ESSA, include activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more of covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance and administered and scheduled by the school in advance. See the administrative regulation for additional definitions.

excuse a student from participating in covered activities and protect student privacy in the event of administration or distribution of a survey to a student.

END OF POLICY

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**Legal Reference(s):**

[ORS 338.115\(1\)\(z\)](#)

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2015).

Every Student Succeeds Act of 2015, 20 U.S.C. § 7928 (2012).

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2012).

Corrected 5/23/23

# MITCH Charter School

Code: KAB-AR  
Revised/Reviewed:

## Parental Rights

The following definitions and procedures will be used to implement parental rights:

### Definitions

1. “Survey,” as defined by federal law and as used in Board policy and this regulation, includes an evaluation. It does not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA);
2. “Covered survey items” means one or more of the following items: political affiliations or beliefs of the student or the student’s family; mental and psychological problems of the student or the student’s family; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom respondents have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers; religious practices, affiliations or beliefs of the student or the student’s parent; and income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program;
3. “Covered activities,” requiring notification, means those activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or for selling that information or otherwise providing that information to others for that purpose; the administration of any survey containing one or more covered survey items; and any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, or of other students. This provision does not apply to physical examinations or screenings that are permitted or required by law, including physical examinations or screenings permitted without parental notification;
4. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control;
5. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments;
6. “Personal information” means individually identifiable information including a student or parent’s first and last name; a home or other physical address (including street name and the name of the city or town); telephone number; or a social security identification number;

7. “Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body. It does not include a hearing, vision or scoliosis screening and does not apply to any physical examination or screening that is permitted or required by an applicable state law, including physical examinations or screenings that are permitted without parental notification.

### **Requests to Inspect Materials**

Parents may inspect surveys, instructional materials or instruments used to collect personal student information for marketing purposes before such items are administered or distributed by a public charter school to a student as follows:

1. Requests may be directed to the public charter school office by phone or in person;
2. Requests must be received by the public charter school no later than 10 working days following receipt of notification by the public charter school of its intent to administer or distribute such items;
3. Materials may be reviewed at the public charter school office or mailed by the public charter school;
4. Requests to mail materials must be accompanied by a self-addressed, stamped envelope.

### **Requests to Excuse Student from Covered Activities**

A parent may request that their student be excused from participation in any of the following covered activities:

1. The collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information to others;
2. Any public charter school or third party survey;
3. The administration of nonemergency, invasive physical examinations or screenings.

All such requests must be:

1. Directed to the public charter school executive director in writing;
2. Received by the public charter school no later than 10 working days following receipt of notification by the public charter school of its intent to administer or distribute such items.

### **Student Privacy**

The public charter school recognizes its responsibility to protect student privacy in the event of administration or distribution of a survey to a student containing one or more covered survey items.

A student’s personal information that may be collected as a result of such surveys will be released only with prior, written parental permission. The public charter school will use reasonable methods to identify and authenticate the identity of the parents, students, school officials, and any other parties to whom the public charter school discloses personally identifiable information from educational records.

## **Notification**

The public charter school executive director shall be responsible for ensuring appropriate notification to parents of their rights under federal law, Board policy and this regulation. Accordingly, notification will:

1. Be made at least annually at the beginning of the public charter school year or at other times during the public charter school year when enrolling students for the first time in school;
2. Include the specific or approximate dates during the public charter school year when covered activities are scheduled or expected to be scheduled.

Corrected 5/23/23

# MITCH Charter School

Code: KBA

Adopted:

## Public Records Request\*\*

A request to inspect or receive a copy of a public record shall be in writing and will be presented to the school office and referred to the executive director.

A “public record” includes any writing that contains information relating to the conduct of the public’s business, prepared, owned, used or retained by the public charter school regardless of physical form or characteristics, unless otherwise exempted by law.<sup>1</sup> “Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, files, facsimiles or electronic records. Public record does not include any writing that does not relate to the conduct of the public’s business and that is contained on a privately owned computer.

All such information will be made available to individuals with disabilities in an accessible format, upon request and with appropriate advanced notice. Auxiliary aids and services available to ensure equally effective communications to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.

The Board supports the right of the people to know about programs and services of their schools and will make reasonable efforts to disseminate information. The executive director is authorized to use available means to keep parents and others in the particular school’s community informed about the school’s program and activities.

The Board reserves the right to establish a fee schedule which will reasonably reimburse the public charter school for the actual cost of making public records available pursuant to law. The public charter school will not be obligated to complete a request for which the requester has not paid the fee as permitted by state law. There will be no additional charge for auxiliary aids and services provided for persons with disabilities.

School employee and volunteer personal residential addresses, personal electronic mail addresses, social security numbers, dates of birth and personal telephone or cellular numbers, and other information listed in Oregon Revised Statute (ORS) 192.355 as exempt, contained in personnel records maintained by the school are exempt from public disclosure pursuant to ORS 192.363 - 368 and ORS 192.355(3). School electronic mail addresses assigned by the school to school employees are not exempt. This exemption does not apply to a substitute teacher, as defined in ORS 342.815, when requested by a professional education association of which the substitute teacher may be a member.

The public charter school will not disclose the identification badge or card of an employee without the employee’s written consent if the badge or card contains the employee’s photograph and the badge or card

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<sup>1</sup> There are multiple definitions for “public record” in ORS 192. This definition comes from ORS 192.311 and applies to the inspection of records.

was prepared solely for internal use by the public charter school to identify public charter school employees. A duplicate of the photograph used on the badge or card shall not be disclosed.

The public charter school shall not, in accordance with state law, disclose personal information for the purpose of enforcement of federal immigration laws.

The public charter school shall retain and maintain its public records in accordance with Oregon Administrative Rule (OAR) 166-005-0010 and Chapter 166, Division 400 and ORS Chapter 192.

END OF POLICY

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**Legal Reference(s):**

[ORS 180.805](#)

[ORS Chapter 192](#)

[ORS 338.115\(2\)](#)

[OAR 137-004-0800\(1\)](#)

[OAR 166-005-0010](#)

[OAR 166-400](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2021); 28 C.F.R. Part 35 (2021).

OREGON DEP'T OF JUSTICE, OREGON ATTORNEY GENERAL'S, *Public Records and Meetings Manual*.

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Bialostosky v. Cummings, 319 Or. App. 352 (2022).

Corrected 5/23/23



# MITCH Charter School

Code: KBA-AR

Revised/Reviewed:

## Public Records Request

In compliance with Oregon law the following guidelines apply to the dissemination, inspection and examination of the public records of the public charter school:

1. A public records request shall be submitted in writing through the school office at 19550 SW 90th Ct, Tualatin, OR 97062.
2. Upon receipt of a written request, the public charter school shall respond within five business days<sup>1</sup> acknowledging receipt of the request or completing<sup>2</sup> the public charter school's response to the request. If the public charter school provides an acknowledgment of the request, it must:
  - a. Confirm that the public charter school is the custodian of the requested record;
  - b. Inform the requester that the public charter school is not the custodian of the requested record; or
  - c. Notify the requester that the public charter school is uncertain whether the public charter school is the custodian of the requested record.
3. If the public charter school is the custodian of the requested record, as soon as reasonably possible but not later than 10 business days after the date the public charter school is required to acknowledge receipt of the request as described above, the public charter school shall:
  - a. Complete its response to the public records request in accordance with ORS 192.329(2). If the public charter school determines that a record is exempt from public disclosure, the public charter school will include a statement to that effect, and that the requester may appeal the decision pursuant to state law; or
  - b. Provide a written statement that the public charter school is still processing the request and a reasonable estimated date by which the public charter school expects to complete its response based on the information currently available.
4. The time periods, established by Oregon law and identified above in Section 2 or 3, will not apply to the public charter school if compliance would be impracticable because:
  - a. The staff or volunteers<sup>3</sup> necessary to complete a response to the public records request are unavailable;

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<sup>1</sup> "Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the public charter school is scheduled to and does report to work.[ Business day does not include any day on which the [central administration office for the] public charter school is closed.]

<sup>2</sup> The public charter school response to a public records request will be considered complete when it complies with criteria in Oregon law (ORS 192.329).

<sup>3</sup> Staff member or volunteers who are on leave or are not scheduled to work are considered to be unavailable.

- b. Compliance would demonstrably impede the public charter school's ability to perform other necessary services; or
- c. Of the volume of the public records request being simultaneously processed by the public charter school.

In these situations, the public charter school shall, as soon as practicable and without unreasonable delay, acknowledge a public records request and complete the response to the request.

- 5. The public charter school may request additional information or clarification from the requester for the purpose of expediting the public charter school's response to the request as permitted by law. If the public charter school requests additional information or clarification, in good faith, the obligation to complete the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days to a good faith request from the school for information or clarification, the school shall close the request.
- 6. If a copy of a public record is requested, the public charter school will provide a single copy. If a request to inspect a public record is made and the record is maintained in a machine readable or electronic form, the custodian shall provide the record in the form requested, if available. If the public record is not available in the form requested, it will be made available in the form the record is maintained.
- 7. If a person who is a party to a civil judicial proceeding to which the public charter school is a party or who has filed notice under Oregon Revised Statute (ORS) 30.275(5)(a) asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the individual must submit the request in writing to the designated custodian of public charter school records and at the same time to the public charter school's attorney.
- 8. Information will be made available to individuals with disabilities in an accessible format upon request and advance notice. Auxiliary aids and services available to qualified persons with disabilities may include large print, Braille, audio recordings, readers, assistance in locating materials or other equally effective accommodations.
- 9. Where the labor effort exceeds 30 minutes, labor, material and out-of-pocket charges will be reimbursed to the public charter school. Labor will be calculated at the hourly rate of the employee affected. Materials and out-of-pocket charges will be reimbursed at the established rate of \$.25 per page. Auxiliary aids and services for qualified persons with disabilities will be available at no additional charge.

If the public charter school has informed the requester of a permitted fee, the obligation of the public charter school to complete its response to the request is suspended until the fee has been received by the public charter school. If the requester fails to pay the fee within 60 days of the date they were informed of the fee or fails to pay the fee within 60 days of the date on which the public charter school informed them of the denial of the fee waiver, the public charter school shall close the request.

Corrected 5/23/23

# MITCH Charter School

Code: KGB

Adopted:

## Public Conduct on School Property

No person on public charter school property or any public charter school grounds, including parking lots, shall:

1. Haze, harass, intimidate, bully or menace another, or engage in behavior deemed by the public charter school to endanger the safety of students, employees, self or others;
2. Use or engage in abusive verbal expression or physical conduct that interferes with the performance of students, event officials or sponsors of approved activities;
3. Damage the property of another or of the public charter school;
4. Initiate or circulate a report, one knows to be false, concerning an alleged hazardous substance, impending fire, explosion, catastrophe or other emergency that will take place in or upon a school;
5. Construct or transport to public charter school property for temporary or permanent purposes any structure not approved for construction on, or transportation to, public charter school property;
6. Dump or spill any sewage, waste water or other fluids from any vehicle;
7. Use public charter school waste containers or other school property for the deposit of waste or refuse generated from household, commercial, industrial, construction or other uses not related to approved use on public charter school property;
8. Block, obstruct or interfere with vehicular or pedestrian traffic on any public charter school road, parking area, walkway, pathway or common area. Occupying or impeding access to any public charter school facility in a manner that interferes with the approved use of such facility by public charter school employees, students or other authorized users is prohibited;
9. Fly, launch or otherwise operate motorized model airplanes/helicopters/rockets or other similar propulsion devices unless approved in advance by the public charter school;
10. Operate an unmanned aircraft system (UAS) or drone unless granted permission from the executive director or designee;
11. Distribute or post circulars, notices, leaflets, pamphlets or other written or printed material in violation of Board policy KJA - Materials Distribution;
12. Operate a concession, solicit, sell or offer for sale any goods, wares, merchandise, food, beverages or services without prior public charter school approval;
13. Operate a motor vehicle in an area other than on roads and in parking areas constructed or designated for motor vehicle use. Vehicles shall be driven in a safe manner, at posted speeds and will only be appropriately parked in areas designated by the public charter school. Motorized

vehicles such as minibikes, scooters, go-carts, all-terrain-vehicles, snowmobiles and other similar devices are prohibited on public charter school grounds. Bicyclists must comply with motor vehicle and bike regulatory signs;

14. Bring an animal into a public charter school building without prior executive director approval and, where appropriate, only when proof of current rabies vaccination has been provided. Dogs are permitted on public charter school grounds only when confined to a vehicle or on a leash and when kept under the physical control of the individual at all times. The owner is responsible for the animal's behavior and containment and for the removal of the animal's wastes while on public charter school property. All other animals on public charter school property are permitted with prior public charter school approval only. Animals serving the disabled are permitted as provided by law;
15. Camp overnight, loiter or otherwise be present on public charter school property after the conclusion of approved activities or as otherwise posted or authorized by the public charter school. Individuals are prohibited from entering any portion of public charter school's premises at any other time for purposes other than those which are lawful and authorized by public charter school officials;
16. Use or operate any noise-producing machine, vehicle, device or instrument in a manner that, in the judgment of public charter school officials, is disturbing to, or interferes with, the orderly conduct of public charter school programs or approved activities;
17. Impede, delay or otherwise interfere with the orderly conduct of the public charter school's educational program or any other activity taking place on public charter school property which has been authorized by the public charter school;
18. Bring, possess or use a weapon as prohibited by state and federal law;
19. Possess, consume, sell, give or deliver unlawful drugs and/or alcoholic beverages. Possess, sell, give or deliver drug paraphernalia;
20. Use, distribute or sell tobacco products or inhalant delivery systems, in any form;
21. Violate posted regulatory signs;
22. Willfully violate other public charter school policies, administrative regulations or school rules designed to maintain public order on school property.

Persons having no legitimate purpose or business on public charter school property, or those violating or threatening to violate the above rules, may be ejected from the premises, excluded from public charter school-approved activities temporarily or permanently and/or referred to law enforcement officials.

The executive director will ensure that appropriate notice of these rules is provided.

END OF POLICY

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**Legal Reference(s):**

[ORS 161.015](#)  
[ORS 164.245](#)  
[ORS 164.255](#)  
[ORS 166.025](#)  
[ORS 166.155](#) to -166.165

[ORS 166.210](#) to -166.370  
[ORS 336.109](#)  
[ORS 338.115](#)  
[ORS 339.883](#)  
[ORS 431.840](#)

[ORS 433.835](#) to -433.990  
[ORS 806.060](#) to -806.080  
[OAR 333-015-0025](#) to -0090  
[OAR 581-021-0110](#)  
[OAR 584-020-0040\(4\)\(e\),\(g\)](#)

Gun-Free Schools Act, 20 U.S.C. 7961 (2012).

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).

Corrected 5/23/23

# MITCH Charter School

Code: KGC/GBK

Adopted:

## Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems\*\*

To be consistent with Oregon law, the use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on public charter school premises, in any building or facility, on school grounds, including parking lots, in any vehicle owned, rented or chartered by the school or school district and at all school-sponsored activities.

For the purpose of this policy “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Violation of this policy by staff will result in discipline up to and including dismissal.

Violation of this policy by the public may result in the individual’s removal from public charter school property. The public charter school reserves the right to restrict access to public charter school property by individuals who are repeat offenders.

This policy shall be enforced at all times.

END OF POLICY

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### Legal Reference(s):

[ORS 336.227](#)

[ORS 338.115\(1\)\(x\)](#)

[ORS 339.883](#)

[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)

[OAR 581-021-0110](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 4/25/23

# MITCH Charter School

Code: KGF/EDC  
Adopted:

## Authorized Use of School Equipment and Materials

Public charter school materials and equipment will be used only for school purposes by public charter school personnel on public charter school properties.

Exceptions to this policy must be approved by the executive director and authorized use shall be consistent with Oregon Revised Statute (ORS) Chapter 244.

END OF POLICY

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### Legal Reference(s):

[ORS Chapter 244](#)

[ORS 338.115\(2\)](#)

[OAR 584-020-0040](#)

OREGON GOVERNMENT ETHICS COMMISSION, OREGON GOVERNMENT ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2010).

# MITCH Charter School

Code: KJA

Adopted:

## Materials Distribution\*\*

Requests by individuals or groups to distribute pamphlets, booklets, flyers, brochures and other similar materials to students for classroom use or to take home shall be submitted to the charter school administration. Materials and the proposed method of distribution shall be subject to review.

Materials shall be reviewed based on legitimate educational concerns. Such concerns include: the material is or may be defamatory; the material is inappropriate based on the age, grade level and/or maturity of the reading audience; the material is poorly written, inadequately researched, biased or prejudiced; the material contains information that is not factual; the material is not free of racial, ethnic, religious or sexual bias; or the material contains advertising that violates public school laws, rules and/or policy, is deemed inappropriate for students or that the public might reasonably perceive to bear the sanction or approval of the executive director.

The executive director shall determine distribution procedures. Such procedures may include:

1. Distribution to each student before or after class if materials are not directly related to the instructional goals;
2. Notification to students or parents of the availability of the materials in a specified location if this procedure is deemed less disruptive to the educational process; or
3. Solicitation of school-related groups such as parent organizations to distribute materials.

The practice of distributing pamphlets, booklets, flyers, brochures and other similar materials shall be periodically reviewed to ensure that the mere volume of requests has not become an interruption to the educational process.

END OF POLICY

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### Legal Reference(s):

[ORS 338.115\(2\)](#)

46 OR. ATTY. GEN. OP. 239 (1989).

Corrected 5/23/23



# MITCH Charter School

Code: KK  
Adopted:  
Revised/:

## Visitors to School Facilities\*\*

The Board believes that a better understanding of its educational program and improved relationship between the schools and community can be developed through school and classroom visitations of parents and patrons. Such visitations should be encouraged, arranged and permitted within considerations of the requirements of the educational program, the orderly administration of the school, school grounds and classrooms and the safety and welfare of students and staff.

The public charter school is responsible for the schools' supervision and administration. To ensure that school work is not disrupted and that visitors are properly directed to the areas in which they are interested, all visitors to public charter school facilities must report to the school office upon entering school property.

1. Teachers' work must not be impeded by interruption of visitors or by unreasonable demands on their time.
2. Visitors must not contact individual students except as authorized by the executive director and/or teachers.
3. When in the interest of orderly educational programs and the safety of students it is determined by the executive director that some specific visitor or visitors shall not be permitted to enter the school facilities, the executive director shall do the following:
  - a. Advise the person that they are refused admission and give that person an explanation for the refusal;
  - b. If possible and appropriate, attempt to arrange alternative visitation of school facilities.
4. A visitor with permission to visit may be directed to leave when any teacher or executive director reasonably believes the visitor has engaged in physical violence, loud or disruptive speech or behavior, violation of a posted school rule or illegal conduct.

A visitor may also be directed to leave by the staff member administratively in charge of the building if the visit would be disruptive to the educational program or school order; would impede the work of teachers through visitor's interruptions or unreasonable demands on teacher time; or if the visitors' course of conduct would conflict with Board policies, school regulations or would violate the law.

5. A direction to leave revokes any permission to visit or license to enter. Whenever possible, the direction should be given in writing or followed by written notice which identifies the issuer and gives a brief statement of the reason for the direction to leave. The executive director's office should be notified of any direction to leave and given a copy of any written notice.

6. Those who insist on remaining despite a executive director’s request to leave and who thereby create a disruption of the carrying on of school business may be subject to citizen’s arrest and a report made to law enforcement. Failure to leave will render a visitor liable for criminal trespass pursuant to Oregon law.
7. Any visitor who believes that they have had a visit unfairly limited, may request a meeting with the executive director. The executive director may meet with the visitor, investigate the dispute and render a written decision. The executive director’s decision may be appealed to the Board.
8. Any visitor who commits a violent act or threatens to commit a violent act toward a student or staff member while on school grounds, at a school-sponsored event or on the way to and from school, shall be reported immediately to the executive director. The executive director shall immediately contact any student or staff member involved.

END OF POLICY

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**Legal Reference(s):**

[ORS 164.245](#)  
[ORS 164.255](#)

[ORS 166.025](#)  
[ORS 166.155 to -166.165](#)

[ORS 338.115\(2\)](#)

Corrected 5/23/23

# MITCH Charter School

Code: KL

Adopted:

## Public Complaints\*\*

An individual or organization may petition the public charter school with complaints that the public charter school is violating or has violated provisions of restraint or seclusion in Oregon Revised Statute (ORS) 339.285 - 339.303 or Oregon Administrative Rule (OAR) 581-021-0550 - 581-021-0570 (Restraint or Seclusion).

A parent or guardian of a student attending the public charter school, a staff member, a student or patron of the public charter school may petition the public charter school with a complaint in the following areas:

1. Retaliation against a student who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation;
2. Instruction;
3. Discipline;
4. Learning materials;
5. Compliance with applicable Division 22 Standards and academic content standards.

A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the executive director, a Board member, or one that involves Board actions or Board operations.

The complaint procedure KL-AR - Public Complaint Procedure is available at the public charter school's administrative office and on the home page of the public charter school's website.

Any complaint about public charter school personnel other than the executive director will be investigated by the administration before consideration and action by the Board. The Board will not hear charges against employees unless the employee has been given at least 24 hours' notice and the option to request an open session.

Complaints against the executive director should be referred to the Board chair on behalf of the Board (See KL-AR – Public Complaint Procedure).

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board (See KL-AR – Public Complaint Procedure).

Complaints against the Board chair should be referred to the Board vice chair on behalf of the Board (See KL-AR – Public Complaint Procedure).

The executive director will administer the complaint process, as appropriate.

If the complaint alleges discrimination pursuant to ORS 659.850, OAR 581-021-0045, OAR 581-021-0046, or OAR 581-021-0047 (Discrimination) the complainant is encouraged to utilize the complaint process in AC-AR - Discrimination Complaint Procedure.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 338.115](#)

[ORS 339.303](#)  
[ORS 659.852](#)

[OAR 581-021-0570](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).  
Connick v. Myers, 461 U.S. 138 (1983).

Corrected 5/23/23

# MITCH Charter School

Code: **KL**

Adopted:

## Public Complaints \*/\*\*

(Version 2)

### Not this one

Parents[, staff members] [, [and] students] [, and patrons of the public charter school] are encouraged to make their complaints known to the public charter school and to afford the public charter school an opportunity to review those concerns and respond to them. Complaints about [instructional or learning materials,] [staff members,] [discipline,] alleged violation of applicable state standards or academic content standards, or retaliation against a student who in good faith reported information that the student believes is evidence of violation of state or federal law, rule or regulation, should approach the involved employee and, if possible, resolve the complaint at this level.

An individual or organization may petition the public charter school with complaints that the public charter school is violating or has violated provisions of restraint or seclusion in Oregon Revised Statute (ORS) 339.285 - 339.303 or Oregon Administrative Rule (OAR) 581-021-0550 - 581-021-0570 (Restraint or Seclusion).

The complainant must follow the complaint procedure as outlined in administrative regulation KL-AR - Public Complaint Procedure.

Complaints about Board policy or administrative regulations should be referred directly to the executive director.

[Complaints about the executive director should be referred to the Board chair on behalf of the Board (See KL-AR – Public Complaint Procedure).]

[Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board (See KL-AR – Public Complaint Procedure).]

[Complaints against the Board chair should be referred directly to [public charter school counsel] [Board vice chair] on behalf of the Board (See KL-AR – Public Complaint Procedure).]

If a complaint is not resolved in any step of the complaint process, the complainant may request that it be moved on to the next step in accordance with the established procedure (See KL-AR – Public Complaint Procedure).

When a complaint is made directly to the Board or to an individual Board member, it should be referred to KL-AR – Public Complaint Procedure as appropriate. A Board member shall not attempt to consider such complaints in any official capacity acting as an individual Board member.

The executive director shall develop administrative regulations designed to encourage the timely resolution of complaints while providing a system of review which will allow both the complainant and other affected parties an opportunity to be heard.

If the complaint alleges discrimination pursuant to ORS 659.850, OAR 581-021-0045, OAR 581-021-0046, or OAR 581-021-0047 (Discrimination), the complainant is encouraged to utilize the complaint process in AC-AR - Discrimination Complaint Procedure.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.660](#)  
[ORS 338.115](#)

[ORS 339.303](#)  
[ORS 659.852](#)

[OAR 581-021-0570](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).  
Connick v. Myers, 461 U.S. 138 (1983).

# MITCH Charter School

Code: KL-AR(1)

Revised/Reviewed:

## Public Complaint Procedure

A parent or guardian of a student attending the public charter school, a staff member, a student or patron of the public charter school who wishes to express a concern should discuss the matter with the public charter school employee involved. If the concern remains unresolved, a complaint may be filed.

An individual or organization that alleges the public charter school is violating or has violated provisions of restraint or seclusion in Oregon Revised Statute (ORS) 339.285 - 339.303 or Oregon Administrative Rule (OAR) 581-021-0550 - 581-021-0570 (Restraint or Seclusion) is encouraged to initiate Step One of this complaint procedure and file a complaint with the executive director.

### The Executive Director: Step One

A complainant may file a complaint with the executive director clearly stating the nature of the complaint and a suggested remedy. A form is available, but is not required.

The executive director shall investigate the complaint, confer with the complainant and the parties involved, prepare a report of the findings and conclusion, and provide a report in writing or in an electronic form to the complainant within 10 working days of receipt of the complaint.

### The Board: Step Two

If the complainant is dissatisfied with the executive director's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the executive director's decision. The Board will review the findings and conclusion of the executive director in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the executive director's decision as the public charter school board's decision. All parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

The complainant shall be informed of the Board's decision within 30 days from receipt of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision. The Board's decision will be final.

If the Board chooses not to hear the complaint the executive director's decision is final.

The complaint procedure will not be longer than 90 days from the filing date of the original complaint with the executive director. The timelines may be extended upon written agreement between the public charter school and the complainant.

Complaints against the executive director should be filed with the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an

investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide in open session what action, if any, is warranted. The written final decision of the Board regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide in open session what action if any, is warranted. The written final decision of the Board regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint.

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete the results will be presented to the Board. The Board shall decide in open session what action, if any, is warranted. The written decision of the Board regarding the complaint shall be issued by the Board within 30 days of receipt of the complaint.

### **Appeal Process**

A final decision reached by the public charter school board for a complaint that alleges a violation of ORS 339.285 - 339.303 or OAR 581-021-0550 - OAR 581-021-0570 (Restraint or Seclusion), ORS 659.852 (Retaliation), or applicable OAR Chapter 581, Division 22 (Division 22 Standards), may be appealed to the board of Tigard-Tualatin School District. The complainant may file such appeal with the superintendent of the school sponsor. A final decision reached by the Board of the school sponsor will be the district's final decision and may be appealed to the Oregon Department of Education under OAR 581-002-0003 - 581-002-0005.

Corrected 5/23/23



# MITCH Charter School

Code: KL-AR(2)  
Revised/Reviewed:

## Complaint Form

To:  Employee\*  Executive director\*  Board chair  Board vice chair  
\* Form available but is not required.

Person Making Complaint \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Nature of Complaint \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who should we talk to and what evidence should we consider? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested solution/resolution/outcome: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

.....  
**Office Use**

Disposition of Complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

cc: School Office

# MITCH Charter School

Code: KN  
Adopted:

## Relations with Law Enforcement Agencies

The Board recognizes that cooperation with law enforcement agencies is essential for the protection of staff and students, for maintaining a safe environment in the public charter school and for safeguarding public charter school property.

Law enforcement officials may enter school facilities if a crime has been committed on public charter school property or to investigate matters concerning staff and students upon request initiated by either agency officials or by public charter school administrators.

The executive director will develop administrative regulations to implement this policy, including procedures for handling investigations, executive director requests for assistance and required referrals to law enforcement agencies.

END OF POLICY

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### Legal Reference(s):

[ORS 329.150](#)  
[ORS 338.115\(2\)](#)

[ORS 419B.015](#)  
[ORS 419B.045](#)

*Greene v. Camreta*, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by *Camreta v. Greene*, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by *Greene v. Camreta* 661 F. 3d 1201 (9<sup>th</sup> Cir. 2011).  
Letter Opinion, Office of the Attorney General (August 18, 1986).

Corrected 5/23/23

# MITCH Charter School

Code: KN-AR(1)

Revised/Reviewed:

## Relations with Law Enforcement Agencies\*\*

### Request to Interview a Student or to Conduct an Investigation by Law Enforcement (Other Investigations)

1. Interviews or investigations by law enforcement officials **not** based on allegations of abuse of a child, a warrant for an arrest or search or probable cause that an illegal act or crime is occurring or has been committed on public charter school property, may be permitted upon request and with executive director or vice principal approval.
2. The law enforcement official shall contact the executive director or vice principal, provide adequate identification, inform the executive director or vice principal of the nature of the investigation and provide the name of the student to be interviewed.
3. The executive director or vice principal shall verify and record the identity of the law enforcement official or other authority.
4. Requests to interview a student during school hours should be, in the opinion of the executive director or vice principal, important and urgent to justify interrupting school activities.
5. The executive director or vice principal will attempt to notify the student's parent(s) prior to granting the interview.

If the parent(s) does not give consent to have their child interviewed, then the interview should not take place.

6. If the parent(s) cannot be contacted, the executive director or vice principal may grant permission for the questioning to proceed if the student agrees to be interviewed or in the event of compelling emergency circumstances.
7. If the executive director or vice principal has been unable to contact the parent(s) then the executive director or vice principal shall make a reasonable attempt to notify the parent(s) as soon as possible after the interview.
8. All such interviews shall be conducted in privacy, out of the view of staff, students and others.
9. The executive director or vice principal shall be present at all times during the interview unless the student's parent(s) is present and asks the executive director not to participate or the public charter school official is otherwise prohibited from being present by law.
10. The executive director or vice principal shall maintain a written record of all such interviews conducted.

## **Questioning of a Student Suspected of a Crime, Arrest or Taking a Student into Custody**

1. When a student is a suspect in a criminal act and is to be questioned by a law enforcement official for the purpose of establishing involvement in the act, questioning will be allowed on public charter school property only with parental consent. Normally, such questioning should occur outside school hours and off public charter school property.
2. At no time will a student be released to a law enforcement officer without one of the following:
  - a. A warrant;
  - b. A court order;
  - c. Arrest;
  - d. Protective custody resulting from abuse of a child investigation;
  - e. Permission of the parent.
3. In all cases, **other than** abuse of a child cases, where a student is to be taken from the building by a law enforcement official, the executive director will verify the official's identity and make a reasonable effort to notify the student's parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances. Administrators must request law enforcement officials to complete the appropriate form provided by the public charter school. (See KN-AR(2) – Investigations Conducted on School Premises) If the law enforcement refuses to sign the form the administrator will note such refusal on the form. The administrator will maintain this written record of the visit.

## **Abuse of a Child Investigations**

Any investigation of abuse of a child will be directed by the Oregon Department of Human Services (DHS) or law enforcement officials as required by law. The DHS or law enforcement agency will first notify the executive director or vice principal of the investigation, unless the executive director is a subject of the investigation. The executive director or vice principal will request identification from the investigating official and must request the investigating official fill out the appropriate form (see JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on School Premises). If the investigating official refuses to fill out or sign the form, the executive director or vice principal may complete the form but should not deny the official's request to interview the student on public charter school property. If the investigating official does not have adequate identification the executive director or vice principal shall refuse access to the student. The executive director or vice principal may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves abuse of a child, administrators and school employees shall not notify the parents.

## **Administrator-Initiated Requests**

On occasion, the executive director or vice principal may need, or be required to seek law enforcement assistance. Any student violation of the public charter school's weapons policy shall be reported to the appropriate law enforcement agency. Abuse of a child also requires immediate referral to the DHS or law enforcement officials. Additionally, the executive director and/or vice principal may report to law enforcement officials, other violations of law occurring on public charter school property or at public charter school-sponsored activities, as deemed appropriate.

Corrected 5/23/23

# MITCH Charter School

Code: KN-AR(2)

Revised/Reviewed:

## Investigations Conducted on School Premises

When an executive director is notified that law enforcement would like to interview a student at school for the purpose of an investigation that is not related to abuse of a child, the executive director must request that the investigating official provide the information below. Failure to meet one of the five criteria may result in the executive director's refusal to allow the student interview on public charter school property.

I, \_\_\_\_\_ (Name) of \_\_\_\_\_ (Agency) declare that I have the authority to conduct this student interview based on the following:

1.  Warrant (attach copy)
2.  Court order (attach copy)
3.  Exigent circumstances (briefly describe): \_\_\_\_\_  
\_\_\_\_\_
4. Parental consent  
Parent or guardian's name: \_\_\_\_\_  
Date consent granted: \_\_\_\_\_
5. This interview is not considered a "seizure" pursuant to state and federal law.

\_\_\_\_\_  
Signature of interviewer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of student to be interviewed

\_\_\_\_\_  
Date of interview

- Student not available for interview
- Student refused to be interviewed \_\_\_\_\_  
Name of school official (executive director/  
designee) receiving this form

This form should be placed in a separate file and not in student's educational record file.